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10/671,214	09/25/2003	Jeremy Hauk	23-0418	8240

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SIOUX FALLS, SD 57105

EXAMINER


BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/671,214	Applicant(s) HAUK, JEREMY 	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 9, 11, 15 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt.

In regard to claim 1, Schmidt discloses a pump discharge conduit system for extending through a wall of a structure to allow a pump to discharge outside of the structure, the pump discharge conduit system comprising:

An output conduit **B** being adapted for extending through the wall of the structure, said output conduit comprising an inlet end and an outlet end, said inlet end of said output conduit being adapted for being positioned in an interior of the structure such that said inlet end is in fluid communication with the pump, said outlet end of said output conduit is positioned outside of the structure such that said output conduit is for directing discharge from the pump to the outside of the structure through said outlet aperture.

In regard to claim 2, further comprising:

A retaining member **E** being selectively coupled to said output conduit such that said retaining member extends outwardly from said output conduit, said retaining member being adapted for abutting an interior face of the wall of the structure that said output conduit extends through to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 3, a backing member **D** being selectively coupled to said output Conduit such that said backing member extends outwardly from said output conduit, said backing member being positioned in spaced relationship to said retaining member such that said backing member is adapted for abutting an exterior face of the wall of the structure, said backing member and said retaining member being adapted for pressing against the wall to inhibit sliding of said output conduit with respect to the wall.

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In regard to claim 4, said backing member D being positioned at an oblique angle to said output conduit, said backing member being adapted for abutting against an oblique exterior face of the wall to allow said backing member to apply force against the wall evenly to prevent said backing member from damaging the wall when said backing member abuts the wall.

In regard to claim 10, said output conduit B comprising an exterior inlet thread, said exterior inlet thread being positioned adjacent said inlet end of said output conduit such that said exterior inlet thread is positioned in an exterior surface of said output conduit, said exterior inlet thread being adapted for being threadably engaged by a female discharge coupling C to allow discharge piping from the pump to be coupled to said output conduit to direct the discharge from the pump into the output conduit.

4. Claims 1-3, 5-6, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Collie.

In regard to claim 1, Schmidt discloses a pump discharge conduit system for extending through a wall of a structure to allow a pump to discharge outside of the structure, the pump discharge conduit system comprising:

An output conduit A being adapted for extending through the wall of the structure, said output conduit comprising an inlet end and an outlet end, said inlet end of said output conduit being adapted for being positioned in an interior of the structure D such that said inlet end is in fluid communication with the pump, said outlet end of said output conduit is positioned outside of the structure such that said output conduit is for directing discharge from the pump to the outside of the structure through said outlet aperture.

In regard to claim 2, further comprising:

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A retaining member a1 being selectively coupled to said output conduit such that said retaining member extends outwardly from said output conduit, said retaining member being adapted for abutting an interior face of the wall of the structure that said output conduit extends through to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 3, a backing member B being selectively coupled to said output conduit such that said backing member extends outwardly from said output conduit, said backing member being positioned in spaced relationship to said retaining member such that said backing member is adapted for abutting an exterior face of the wall of the structure, said backing member and said retaining member being adapted for pressing against the wall to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 5, a seal member C being selectively positioned around said output conduit, said seal member abutting against said backing member such that said seal member is adapted for being positioned between said backing member and the wall of the structure, said seal member being adapted for sealing an area of the wall adjacent said output conduit such that said seal member is adapted for inhibiting environmental elements and insects from entering the structure between the wall and said output conduit.

In regard to claim 6, said seal member C comprising a flexible material, said flexible material being adapted for conforming to a shape of the wall and filling any gaps between the wall and said output conduit to inhibit the environmental elements and insects from entering the structure between the wall and the output conduit.

In regard to claim 9, said output conduit comprising an interior outlet thread, said interior outlet thread being positioned adjacent said outlet end of said output conduit such that said

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interior outlet thread is positioned in an interior surface of said output conduit, said interior outlet thread being adapted for being threadably engaged by a male drainage coupling to allow drainage piping to be coupled to said output conduit to direct the discharge from the pump away from the output conduit.

In regard to claim 11, said output conduit comprising an interior inlet thread, said interior inlet thread being positioned adjacent said inlet end of said output conduit such that said interior inlet thread is positioned in an interior surface of said output conduit, said interior inlet thread being adapted for being threadably engaged by a male discharge coupling to allow discharge piping from the pump to be coupled to said output conduit to direct the discharge from the pump into the output conduit.

5. Claims 1-3, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al.

In regard to claim 1, Schmidt discloses a pump discharge conduit system for extending through a wall of a structure to allow a pump to discharge outside of the structure, the pump discharge conduit system comprising:

An output conduit 14 being adapted for extending through the wall of the structure, said output conduit comprising an inlet end and an outlet end, said inlet end of said output conduit being adapted for being positioned in an interior of the structure such that said inlet end is in fluid communication with the pump, said outlet end of said output conduit is positioned outside of the structure 15 such that said output conduit is for directing discharge from the pump to the outside of the structure through said outlet aperture.

In regard to claim 2, further comprising:

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A retaining member 34 being selectively coupled to said output conduit such that said retaining member extends outwardly from said output conduit, said retaining member being adapted for abutting an interior face of the wall of the structure that said output conduit extends through to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 3, a backing member 102 being selectively coupled to said output conduit such that said backing member extends outwardly from said output conduit, said backing member being positioned in spaced relationship to said retaining member such that said backing member is adapted for abutting an exterior face of the wall of the structure, said backing member and said retaining member being adapted for pressing against the wall to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 8, said output conduit comprising an exterior outlet thread 22, said exterior outlet thread being positioned adjacent said outlet end of said output conduit such that said exterior outlet thread is positioned in an exterior surface of said output conduit, said exterior outlet thread being adapted for being threadably engaged by a female drainage coupling 48 to allow drainage piping to be coupled to said output conduit to direct the discharge from the pump away from the output conduit.

In regard to claim 10, said output conduit comprising an exterior inlet thread 30, said exterior inlet thread being positioned adjacent said inlet end of said output conduit such that said exterior inlet thread is positioned in an exterior surface of said output conduit, said exterior inlet thread being adapted for being threadably engaged by a female discharge coupling 88 to allow discharge piping from the pump to be coupled to said output conduit to direct the discharge from the pump into the output conduit.



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6. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Glauber.

In regard to claim 1, Schmidt discloses a pump discharge conduit system for extending through a wall 13 of a structure to allow a pump to discharge outside of the structure, the pump discharge conduit system comprising:

An output conduit 10 being adapted for extending through the wall of the structure, said output conduit comprising an inlet end and an outlet end, said inlet end of said output conduit being adapted for being positioned in an interior of the structure such that said inlet end is in fluid communication with the pump, said outlet end of said output conduit is positioned outside of the structure such that said output conduit is for directing discharge from the pump to the outside of the structure through said outlet aperture.

In regard to claim 2, further comprising:

A retaining member 11 being selectively coupled to said output conduit such that said retaining member extends outwardly from said output conduit, said retaining member being adapted for abutting an interior face of the wall of the structure that said output conduit extends through to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 3, a backing member 12 being selectively coupled to said output conduit such that said backing member extends outwardly from said output conduit, said backing member being positioned in spaced relationship to said retaining member such that said backing member is adapted for abutting an exterior face of the wall of the structure, said backing member and said retaining member being adapted for pressing against the wall to inhibit sliding of said output conduit with respect to the wall.

In regard to claim 7, said output conduit comprising a positioning thread 4, said

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positioning thread being positioned between said inlet end and said output end, said backing member threadably engaging said positioning thread such that rotation of said backing member with respect to said output conduit changes the positioning of said backing member along said output conduit, said retaining member

threadably engaging said positioning thread such that rotation of said retaining member with respect to said output conduit changes the positioning of said retaining member along said output conduit to permit said backing member and said retaining member to be adjusted to accommodate the wall positioned between said backing member and said retaining member.

7. Claims 1-2 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fritz et al. '532.

In regard to claim 1, Fritz et al. discloses a pump discharge conduit system for extending through a wall of a structure to allow a pump to discharge outside of the structure, the pump discharge conduit system comprising:

An output conduit 14 being adapted for extending through the wall 20 of the structure, said output conduit comprising an inlet end and an outlet end, said inlet end of said output conduit being adapted for being positioned in an interior of the structure such that said inlet end is in fluid communication with the pump, said outlet end of said output conduit is positioned outside of the structure.

In regard to claim 2, further comprising:

A retaining member 24 being selectively coupled to said output conduit such that said retaining member extends outwardly from said output conduit, said retaining member being

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adapted for abutting an interior face of the wall of the structure that said output conduit extends through to inhibit sliding of said output conduit with respect to the wall 20.

In regard to claim 18, a backing member 16 being integrally coupled to the output conduit 14 (The term "integral" does not require a unitary one-piece structure. In re Kohn, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) such that the backing member 16 extends outwardly from the output conduit, the retaining member being positioned in spaced relationship to the backing member such that the backing member is adapted for abutting an exterior face of the wall of the structure, the backing member and the retaining member being adapted for pressing against the wall to inhibit sliding of the output conduit with respect to the wall.

In regard to claim 19, the backing member 16 being positioned at an oblique angle to the output conduit 14, the backing member being positioned at an oblique angle to the output conduit 14, the backing member being adapted for abutting against an oblique exterior face of the wall 20 to allow the backing member to apply force against the wall evenly to prevent the backing member from damaging the wall when the backing member abuts the wall.

In regard to claim 20, said positioning thread 34 being positioned between said inlet end and said output end, said retaining member 24 threadably engaging said positioning thread such that rotation of said retaining member with respect to said output conduit changes the positioning of said retaining member along said output conduit to permit said backing member and said retaining member to be adjusted to accommodate the wall positioned between said backing member and said retaining member.

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Hawkins. Schmidt discloses a conduit system as described above, and discloses clamping the retaining member and backing member tightly against the wall in order to make a fluid tight connection, but Schmidt does not disclose the use of a flexible seal. Hawkins teaches using a seal to create an improved fluid tight connection for the pipe coupling passing through the wall 40. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a flexible seal to the coupling of Schmidt, as taught by Hawkins, in order to improve on the sealing properties of the coupling passing through the wall.

10. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glauber in view of Hawkins.

In regard to claim 12, Glauber discloses a pump discharge conduit system for extending through a wall of a structure to allow a pump to discharge outside of the structure, the pump discharge conduit system comprising:

An output conduit being adapted for extending through the wall of the structure, said output conduit comprising an inlet end and an outlet end, said inlet end of said output conduit being adapted for being positioned in an interior of the structure such that said inlet end is in fluid communication with the pump, said outlet end of said output conduit is positioned outside

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of the structure such that said output conduit is for directing discharge from the pump to the outside of the structure through said outlet aperture.

A retaining member being selectively coupled to said output conduit such that said retaining member extends outwardly from said output conduit, said retaining member being adapted for abutting an interior face of the wall of the structure that said output conduit extends through to inhibit sliding of said output conduit with respect to the wall;

a backing member being selectively coupled to said output conduit such that said backing member extends outwardly from said output conduit, said backing member being positioned in spaced relationship to said retaining member such that said backing member is adapted for abutting an exterior face of the wall of the structure, said backing member and said retaining member being adapted for pressing against the wall to inhibit sliding of said output conduit with respect to the wall;

the output conduit comprising a positioning thread, the positioning thread being positioned between the inlet end and the output end, the backing member threadedly engaging the positioning thread, the retaining member threadedly engaging the positioning thread such that rotation of the retaining member with respect to the output conduit changes the positioning of the retaining member along the conduit.

11. In regard to claim 14, said output conduit comprising an exterior outlet thread, said exterior outlet thread being positioned adjacent said outlet end of said output conduit such that said exterior outlet thread is positioned in an exterior surface of said output conduit, said exterior outlet thread being adapted for being threadably engaged by a female drainage coupling to allow drainage piping to be coupled to said output conduit to direct the discharge from the

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pump away from the output conduit, but Glauber does not disclose the use of a flexible seal.

Hawkins teaches using a seal to create an improved fluid tight connection for the pipe coupling passing through the wall 40. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a flexible seal to the coupling of Glauber, as taught by Hawkins, in order to improve on the sealing properties of the coupling passing through the wall.

12. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glauber in view of Hawkins as applied to claim 12 above, and further in view of Collie. Glauber discloses a conduit system as described above but does not disclose using interior inlet threads on the either side of the output conduit. Collie demonstrates that is common and well known in the art to supply output conduits A with interior threads on both the inlet and outlet sides. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add internal threads to either side of an output conduit, because the practice of doing so is common and well known in the art, as demonstrated by Glauber.

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glauber in view of Hawkins as applied to claim 12 above, and further in view of Walsh. Glauber discloses a conduit system as described above but does not disclose using exterior inlet threads on the output side of the output conduit. Walsh et al. demonstrates that is common and well known in the art to supply output conduits 14 with exterior threads on both the inlet and outlet sides. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add external threads to either side of an output conduit, because the practice of doing so is common and well known in the art, as demonstrated by Walsh.

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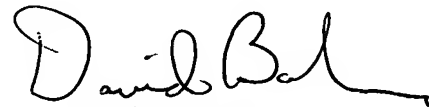
*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haymon, Fritz et al. '664, Messinger et al., Greene, Noland, Curtiss, Pevney, Mueller et al., Millea, Gruschow, Mueller, and Stewart all disclose similar couplings common in the art.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**David Bochna**  
**Primary Examiner**  
**Art Unit 3679**  
**July 22, 2004**